

REMARKS

The application has been amended and is believed to be in condition for allowance.

The case was filed with claims 1-18, claims 1 and 8 being independent.

This amendment amends claim 9 to be in independent form and adds new dependent claim 19.

There are no formal matters pending.

Applicant acknowledges with appreciation that the Official Action indicated that claim 9 was directed to allowable subject matter.

Claim 9 has been amended to be in independent form by incorporating the recitations of base claim 8.

New claim 19 depends from claim 1 and includes all the recitations of allowable claim 9.

Allowance of claim 9 and the claims depending therefrom is solicited as well as an indication that claim 19 is directed to allowable subject matter.

Applicant agrees that claim 9 is not rendered obvious by the offered combination.

However, the discussion on page 7 of the Official Action, as to the disclosure of WANG, is believed to be mis-typed.

Although WANG assigns high speed channels, there is no teaching as to determining whether or not a low speed channel

within the same time slot is empty, when the corresponding high speed channel is not empty; no disclosure of determining whether a new service is related to a first communication which requires said high speed channel or **a second communication not requiring said high speed channel**, when said low speed channel is empty; and (as acknowledged by the Official Action) assigning said new service to said low speed channel, when said new service is related to said second communication.

Claims 1, 2, 5 and 6 stand rejected as obvious over WIESEN et al. 6,317,598 in view of HAGEMAN et al. 6,539,010.

Claims 3, 4 and 7 stand rejected as obvious over these two references, and further in view of well known prior art.

Claims 8 and 17 are rejected as obvious over WANG 5,280,630 in view of HAGEMAN et al.

Claim 18 is rejected as obvious over these two references, and further in view of well known prior art.

The Official Action acknowledges that neither of WIESEN et al. and WANG teach a high speed channel and a low speed channel that are included within one time divisional time slot.

For this missing recitation, HAGEMAN et al. was offered. HAGEMAN et al. discloses two communication channels included within one time divisional time slot. Indeed, see the abstract that discloses half-rate communications to download to two different terminals (mobiles).

The teaching of this reference can be found in the SUMMARY section, column 3, beginning with line 5. Therein is disclosed two transmit data streams to multiple terminals by multiplexing the data streams to promote downlink power control. The disclosure is to use half-rate communications so that a first terminal can be provided with information from a first half of a time slot and a second terminal can be provided with information in a second half of that time slot.

Note that the disclosure is essentially to split the time slot equally between two different terminals/mobiles.

Thus, if this teaching were applied to the primary reference, e.g., WIESEN et al., the result would be to share a single time slot for communications to two different mobile stations.

To the extent that a single time slot could not support two high speed channels, one of skill in the art would not apply this teaching at all for high speed applications such as video transmission.

There is nothing in any of the references being applied that teaches an appreciation that both a high speed channel and a low speed channel can be transmitted between a base station and the same mobile station using a single time slot, the time slot providing both the high and low speed channels. Without such a teaching, the presently-pending references cannot be said to fairly render obvious either of claims 1 and 8.

As to claim 6, reciting that the high speed band width is 32 kbps and the low speed band width is 3.2 kbps, this cannot be said to be merely a design choice. In any event, the issue is whether band widths which are different by a factor of ten would be obvious to share a single time slot.

Again, the teaching of HAGEMAN et al. is to split a time slot into first and second equal portions. There is no suggestion found in HAGEMAN et al. of splitting a time slot between communications having different band width requirements, especially when those different band widths differ by a factor of ten.

In view of the above, claims 1, 6, and 8 are believed to be individually non-obvious over the prior art. Accordingly, reconsideration and allowance of all the pending claims are respectfully requested.

Applicant believes that the present application is in condition for allowance and an early indication of the same is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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